

IN RE: PETITION FOR ZONING VARIANCE  
W/S Frederick Road, 900 ft.  
W of c/1 Oella Avenue  
2528 Frederick Road  
1st Election District  
1st Councilmanic District  
Palanki Ramamohana Rao  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-347-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to Petition for Zoning Variance, a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 92 ft. in lieu of the required 100 ft. for Lot No. 3 resulting from the subdivision of the original lot into three lots, as more particularly indicated on Petitioner's Exhibit No. 1.

The Petitioner, Palanki R. Rao, appeared and testified. There were no Protestants.

Testimony indicated that the Petitioner is desirous of constructing a single family dwelling on Lot No. 3, as indicated on Petitioner's Exhibit No. 1.

The Petitioner testified that he currently resides in the home located on Lot No. 1 and intends to relocate to Florida upon the sale of the aforementioned lots. However, Petitioner provided no testimony relative to the practical difficulty or undue hardship standard set forth below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. Clearly, if there is any hardship in this case at all, it is self-inflicted. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27 day of June, 1991 that a Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 92 ft. in lieu of the required

100 ft. for Lot No. 3 resulting from the subdivision of the original lot into three lots, in accordance with Petitioner's Exhibit No. 1, is hereby DENIED.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
cc: Peoples Counsel

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 3, 1991

Mr. Palanki R. Rao  
2528 Frederick Road  
Catonsville, Maryland 21228

RE: Petition for Zoning Variance  
Case No. 91-347-A

Dear Mr. Rao:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:mmm  
encl.  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING

Date 6/27/91  
By J. Robert Haines

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit lot width of 92 feet in lieu of the required 100 feet for Lot No. 3 resulting from subdivision of the original lot into three lots.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)  
The width of the original lot is 182.96 feet. The proposed subdivision of the lot results in three lots with the following widths: 112, 100 and 92 feet respectively. Strict compliance with this requirement will unreasonably prevent the use of the property for the purpose of subdivision into three lots and render conformance unnecessarily burdensome to the applicant. The grant of this variance will not also cause any injustice to the other property owners in the district as well as any injury to public health, safety and general welfare.

(Continued in APPENDIX A)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

PALANKI RAMAMOHANA RAO

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

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(Type or Print Name)

HARDSHIP OR PRACTICAL DIFFICULTIES

1. Because one of the owners is disabled and the other has decided to retire in 1991, the owners have tried to sell the property during the last two years. They were unable to sell the property so far although the price is reduced by at least \$20,000 below the market value.
2. The price of the property has gone up because of the developments on both sides of the property. On its left side, a developer purchased a 20 acre property, subdivided into 30 lots and built and sold homes under the banner of Paradise Hill Development for prices starting from \$180,000. On its right side, the owners of 2330 Frederick Road were permitted variance for subdivision into two (2) lots. They built a house on the second lot for their daughter and son-in-law. If similar relief is not granted to the applicants, it will be hard to sell the property without further subdivision.
3. My two sons who are now in college will be graduating in a couple of years and are interested in settling down in their professions in Baltimore County provided we subdivide the property into three (3) lots and allow them to build houses on the two of those lots. This will also permit me to sell my house which will be on the third lot easily and pay off the mortgage before we retire in 1991.
4. It has now become all the more imperative that we dispose off the property as soon as possible, because my wife, a co-owner, Prafulla Palanki died on November 4, 1990. See her death certificate attached herewith.

DESCRIPTION

Beginning on the north side of Frederick Road, at the distance of 900 feet west of the centerline of Oella Avenue. Not being part of a recorded subdivision but containing .519 acre in the 1st Election District. Also known as 2528 Frederick Road.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: Lat Date of Posting: 4-2-91  
Posted for: Variance  
Petitioner: Palanki Ramamohana Rao  
Location of property: W/S of Frederick Road, 2nd W of the S/L of Oella Avenue, 2528 Frederick Road  
Location of Sign: Along front of 2528 Frederick Road  
Remarks:  
Posted by: A. J. Rantz Date of return: 4-12-91  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-4-91.

CATONSVILLE TIMES

S. Zeke Orlean  
Publisher

156.70

ORDER RECEIVED FOR FILING

Date 6/27/91  
By J. Robert Haines

MARK - 1/2 hr to 45 min time taken in 2/22/91 and anytime

(over)

NOTES OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-347-A  
N/S Frederick Road, 900' W of c/l Oella Avenue  
2528 Frederick Road  
1st Election District - 1st Councilmanic  
Petitioner(s): Palanki Ramamohana Rao  
HEARING: WEDNESDAY, MAY 1, 1991 at 2:00 p.m.

Variance to permit lot width of 92 ft. in lieu of the required 100 ft. for lot #3 resulting from the subdivision of the original lot into three lots.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
CTJH4008 Apr. 4.

## CERTIFICATE OF PUBLICATION

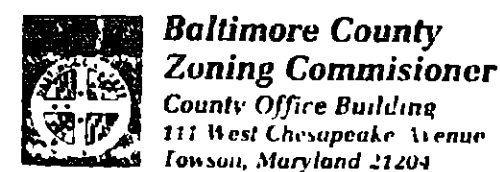
TOWSON, MD., 4-5-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-4-91.

THE JEFFERSONIAN,

S. Zate Olson  
Publisher

\$ 56.70



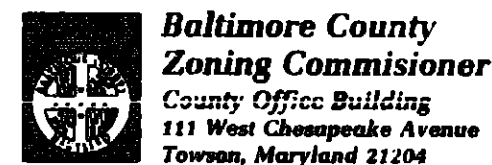
Date

Account R 001 6150  
Number

receipt

Please Make Checks Payable To: Baltimore County 21204-1505-24-71 \$75.00

Cashier Validation



Date

Account: R 001 6150  
Number

receipt

Please Make Checks Payable To: Baltimore County 21204-1505-01-91 \$81.70

Cashier Validation

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 4/1/91

Palanki Ramamohana Rao  
2528 Frederick Road  
Catonsville, Maryland 21228

RE:

Case Number: 91-347-A  
N/S Frederick Road, 900' W of c/l Oella Avenue  
2528 Frederick Road  
1st Election District - 1st Councilmanic  
Petitioner(s): Palanki Ramamohana Rao  
HEARING: WEDNESDAY, MAY 1, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 81.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

J. Robert Haines

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 18, 1991

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-347-A  
N/S Frederick Road, 900' W of c/l Oella Avenue  
2528 Frederick Road  
1st Election District - 1st Councilmanic  
Petitioner(s): Palanki Ramamohana Rao  
HEARING: WEDNESDAY, MAY 1, 1991 at 2:00 p.m.

Variance to permit lot width of 92 ft. in lieu of the required 100 ft. for lot #3 resulting from the subdivision of the original lot into three lots.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Palanki Ramamohana Rao

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

April 18, 1991

Palanki Ramamohana Rao  
2528 Frederick Road  
Catonsville, MD 21228

RE: Item No. 330, Case No. 91-347-A  
Petitioner: Palanki Ramamohana Rao  
Petition for Zoning Variance

Dear Mr. Ramamohana:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
13th day of March, 1991.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Palanki Ramamohana Rao

Petitioner's Attorney:



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

March 11, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County  
Palanki Ramamohana Rao  
Property  
Zoning Meeting of 3-12-91  
N/S Frederick Road  
(MD 144) 900' west of  
Oella Avenue  
(Item #330)

Dear Mr. Haines:

We have received the submittal for a variance to permit a lot width of 92' in lieu of the required 100' for lot number 3 resulting from subdivision of the original lot into 3 lots.

Any access to Frederick Road for lots 2 and 3 must be approved by our Resident Maintenance Engineer's Office, c/o Gary Evers (574-4511).

All work within State Highway Administration right-of-way along Frederick Road must be performed under a permit issued by Mr. Evers' Office prior to issuance of building permits.

If we can be of further assistance, please contact Larry Brocato at 333-1350.

Very truly yours,

John Contestabile  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB:mas

cc: Mr. Gary Evers (w-enclosure)  
Mr. J. Ogle

RECEIVED  
MAR 14 1991  
ZONING DIVISION

My telephone number is 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech  
383-7665 Baltimore Metro - 585-0481 D.C. Metro - 1-800-492-8882 Statewide Toll Free  
737 North Calvert St., Baltimore, Maryland 21202-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 17, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Palanki Ramamohana Rao, Item No. 330

Staff is unable to provide comments until such time as the applicant provides additional information regarding access and adjacent land use.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM330/2AC1



BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: March 20, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. COMMENTS

Z.A.C. MEETING DATE: March 12, 1991

Dear Mr. Haines:

This office has no comments for items number 286, 325, 329, and 330.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd

received  
3/21/91

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-1500

MARCH 15, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: BALAMBI PATTAPANAN INC  
Location: #2528 FREDERICK ROAD  
Item No.: 330 Item Agenda: MARCH 17, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. PROPOSED PARKING DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH BALTIMORE COUNTY COUNCIL BILL NO. 172-89 AND RESOLUTION NO. 82-85.

REVIEWER: *Carl J. Kelly* 3-13-91 Toted and  
Planning Group Approved  
Special Inspection Division *Carl J. Kelly* Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 11, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 286, 325 and 329.

For Item 184 (Case #91-252-A), the previous County Review Group Comments are applicable.

For Item 330, this site must be submitted through the minor subdivision process for review and comments.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2528 FREDERICK ROAD

Subdivision name: *ELLA CATONVILLE*

plat book: *657* folio: *817* lot: *3* section: *1*

OWNER: *RAMAMOHANA RAO PALANKI*

**PETITIONER'S EXHIBIT 1**

Scale: 1" = 200'

LOCATION INFORMATION

Councilmanic District: *1*

Election District: *1*

1" = 200' scale map: *54.3-H*

Zoning: *B.O.2*

Lot size: *1.607* acreage *6721.5* square feet

Total Area = 1.6007 acres = 69,725 sq.ft.

to be subdivided into three lots:

Lot #1 = 25,695 sq.ft.

Lot #2 = 21,450 sq.ft.

Lot #3 = 22,600 sq.ft.

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearing: *None*

Zoning Office USE ONLY!

reviewed by: *John C. Mellema* ITEM #: *330* CASE#:

9-4-90 *John C. Mellema* LICER: 6571 FOLIO 817



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SW-3H

DR.2

SITE

DR.3.5

ELLA AVE

PRIVATE RD

ROAD

SCALE  
1" = 200'±

DATE OF PHOTOGRAPHY  
JANUARY 1986

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

SW-3H

Petitioner Exhibit 2  
91-347A

FIRE HYDRANT LOCATION OK  
*Carl J. Kelly* 5-1-91

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

9-4-90 *John C. Mellema* LICER: 6571 FOLIO 817

LOCATION SURVEY  
2528 FREDERICK ROAD BALTIMORE CO. MD

JOHN C. MELLEMA SR., INC.  
LAND SURVEYORS

6100 BALTIMORE NATIONAL PIKE - BALTIMORE, MARYLAND 21228

4

DATE ISSUED: NOV 07 1990

*John E. Sanderson-Randall*  
STATE REGISTRAR OF VITAL RECORDS

91-347-A

330

STATE OF MARYLAND / DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
CERTIFICATE OF DEATH

1. DECEASED'S NAME (Print, Last, First, Middle Initial) *PRAFULLA PALANKI*

2. DATE OF DEATH *Nov 4, 1990*

3. TIME OF DEATH *2200*

4. SOCIAL SECURITY NUMBER *144-60-1169*

5. SEX *M*

6. AGE (in years, months, days) *63* yrs *179/27*

7. DATE OF BIRTH *179/27*

8. PLACE OF BIRTH *INDIA*

9. RACE *INDIAN*

10. COUNTY OF DEATH *BALTIMORE*

11. COUNTY OF RESIDENCY *BALTIMORE*

12. CITY, TOWN OR LOCATION OF DEATH *CATONVILLE*

13. ZIP CODE *21228*

14. CITIZENSHIP *INDIA*

15. STREET AND NUMBER *2528 FREDERICK ROAD*

16. DECEASED'S OCCUPATION (Print, Last, First, Middle Initial) *RAMAMOHANA RAO PALANKI*

17. DECEASED'S RESIDENCE (Print, Last, First, Middle Initial) *2528 FREDERICK ROAD, CATONVILLE, MD. 21228*

18. DECEASED'S MARITAL STATUS (Print, Last, First, Middle Initial) *SATYAVATI*

19. DECEASED'S RELIGION (Print, Last, First, Middle Initial) *NETRO CREMATORY*

20. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

21. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

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62. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

63. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

64. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

65. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

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81. DECEASED'S PLACE OF DEATH (Print, Last, First, Middle Initial) *NETRO CREMATORY*

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